

### **REMARKS**

Applicant wishes to thank the Examiner for the consideration given this case to date. Applicant has now had an opportunity to carefully consider the Examiner's action, and respectfully submits that the application, as amended, is now in condition for allowance. As filed, claims 1 through 31 were pending. With the amendments above, claims 1 through 9, 11 through 25, and 27 through 31 remain and are believed patentable over the rejections of record.

Claims 1, 11, 12, 17, 20, and 24 have been amended. Support for the amendments to claims 1, 11, 12, 17, 20, and 24 can be found at, for example, paragraphs [0038] and [0039] of the specification as filed. Accordingly, entry of the amended claims is respectfully requested.

### **THE EXAMINER'S ACTION**

In the Office Action dated October 5, 2004, the Examiner:

rejected claims 1, 2, 3, 4, 5, 7, 10, 14, 15, and 16 under 35 U.S.C. § 103(a) as unpatentable over Watkins et al. (U.S. Patent No. 5,459,819);

rejected claims 6, 8, 9, 12, and 13 under 35 U.S.C. § 103(a) as unpatentable over the combination of Watkins et al. and Perine et al. (U.S. Patent No. 5,832,193);

rejected claim 11 under 35 U.S.C. § 103(a) as unpatentable over the combination of Watkins et al. and Rosenlund et al. (U.S. Patent No. 6,738,155);

rejected claims 17 and 18 under 35 U.S.C. § 103(a) as unpatentable over the combination of Watkins et al., Perine et al., and Rosenlund et al.;

rejected claim 19 under 35 U.S.C. § 103(a) as unpatentable over the combination of Watkins et al., Perine et al., and Liebenow (U.S. Patent No. 6,480,673);

rejected claims 20, 21, 22, 23, 27, 28, 29, and 31 under 35 U.S.C. § 103(a) as unpatentable over the combination of Goldberg (U.S. Patent No. 6,526,158);

rejected claims 24, 25, and 26 under 35 U.S.C. § 103(a) as unpatentable over the combination of Goldberg and Nardoizzi et al. (U.S. Patent No. 6,636,837); and

rejected claim 30 under 35 U.S.C. § 103(a) as unpatentable over the combination of Goldberg and Rosenlund et al.

### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

The Office has rejected claims 1 through 31 as obvious over Watkins et al. (U.S. Patent No. 5,459,819), Perine et al. (U.S. Patent No. 5,832,193), Rosenlund et al. (U.S. Patent No. 6,738,155), Liebenow (U.S. Patent No. 6,480,673), Goldberg (U.S. Patent No. 6,526,158) and Nardozzi et al. (U.S. Patent No. 6,636,837), taken alone or in various combinations as set forth above.

As amended, claims 1, 12, and 20 variously call for a monitoring and/or monitoring logic configured to track usage of a content database that contains one or more content and/or image objects therein in order to calculate any necessary licensing fees due in connection with the use of one or more content/image objects in the content database.

As correctly recognized by the Examiner none of Watkins et al., Perine et al., Rosenlund et al., Liebenow, and/or Goldberg disclose, teach or suggest a kiosk image processing system or a method for operating same that enables an operator to automatically monitor the usage of a content database for the purpose of calculating any necessary licensing fees due in connection with the use of the content database.


With regard to the teachings of Nardozzi et al., Nardozzi et al. also fails to disclose, teach or suggest a kiosk image processing system or a method for operating same that enables an operator to automatically monitor the usage of a content database for the purpose of calculating any necessary licensing fees due in connection with the use of the content database. This is because Nardozzi et al. is concerned with only tracking the buying patterns and/or popularity of certain photofinishing offerings or goods. Nardozzi et al. is not concerned with monitoring the usage of a content database in order to make the necessary determination as to the need for licensing payments in connection with the usage of same. Accordingly, Nardozzi et al. fails to render obvious the claimed invention and as such, the rejections under 35 U.S.C. § 103(a) are believed to have been overcome.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully assert that the case is now in a condition for allowance. While no additional fees are believed due, the Commissioner is hereby authorized to charge any necessary additional fees, or credit any overpayment, to Deposit Account No. 02-2051, referencing Attorney Docket No. 27336-2.

Respectfully submitted,

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By:   
W. Scott Harders  
Registration No. 42,629

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF, LLP  
2300 BP Tower  
200 Public Square  
Cleveland, OH 44114-2378  
(216) 363-4443